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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

VICTOR HERNANDEZ PENA,

Defendant.

CASE NO. 1:21-CR-00090-JLT

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for change of plea on May 19, 2025.
2. Prior to that date, counsel for defendant requested the change of plea be vacated due to ongoing health issues of defendant. Defendant has had extensive and ongoing medical issues for the past couple years, requiring surgeries and other imminent procedures. The parties have been navigating how those medical issues impact trial or resolution of this matter.
3. By this stipulation, the parties now move to set a status date in front of the Magistrate Judge, to further monitor and evaluate defendant's health before setting a change of plea date, on September 17, 2025, and to exclude time between May 19, 2025, and September 17, 2025, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

1 4. The parties agree and stipulate, and request that the Court find the following:

2 a) The government has represented that the discovery associated with this case
3 includes reports, laboratory reports, wiretap data, and other related items. All of this discovery
4 has been either produced directly to counsel and/or made available for inspection and copying.

5 b) Plea agreements have been extended by the government, and the parties believe
6 that this case will resolve once defendant is in a place to do so, with regard to his ongoing
7 medical issues.

8 c) Counsel for defendant believes that failure to grant the above-requested
9 continuance would deny him/her the reasonable time necessary for effective preparation, taking
10 into account the exercise of due diligence.

11 d) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of May 19, 2025 to September 17,
16 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
17 T4] because it results from a continuance granted by the Court at defendant's request on the basis
18 of the Court's finding that the ends of justice served by taking such action outweigh the best
19 interest of the public and the defendant in a speedy trial.

20 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the
21 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
22 must commence.

23 IT IS SO STIPULATED.
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1 Dated: May 29, 2025

MICHELE BECKWITH
Acting United States Attorney

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3 /s/ STEPHANIE M. STOKMAN
STEPHANIE M. STOKMAN
Assistant United States Attorney

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6 Dated: May 29, 2025

/s/ NICHOLAS REYES
NICHOLAS REYES
Counsel for Defendant
VICTOR HERNANDEZ PENA

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12 **FINDINGS AND ORDER**

13 IT IS SO FOUND.

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15 IT IS SO ORDERED.

16 Dated: May 29, 2025


UNITED STATES DISTRICT JUDGE